Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FRANK J. CAMOSCIO,

Petitioner,

v.

COMMONWEALTH OF MASSACHUSETTS
BY AND THROUGH ATTORNEY GENERAL
THOMAS F. REILLY,

Respondent.

**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Commonwealth Of Massachusetts**

PETITION FOR A WRIT OF CERTIORARI

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17pp

QUESTIONS PRESENTED

DEATH THREATS

SHOT AND WOUNDED

TWO SEVERE BEATINGS

Can the Supreme Judicial Court of the Commonwealth of Massachusetts, on an appeal in front of them on a lower court decision, base their entire decision by refusing to weigh the evidence of the official lower court transcript and records. But instead based their decision on an unofficial transcript of the lower court decision containing missing and duplicated pages, missing testimony of witnesses, missing Court Orders and documents, and exhibits, given them by the office of the Attorney General.

LIST OF PARTIES

PETITIONER

Dr. Frank J. Camoscio, 33 Plainfield Street, Newton, MA 02468.

RESPONDENT

Commonwealth of Massachusetts, by and through Attorney General Thomas F. Reilly, One Ashburton Place, Boston, Massachusetts 02108.

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PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE COMMONWEALTH OF MASSACHUSETTS

Petitioner. Dr. Frank J. Camoscio, respectfully prays that the writ of certiorari be issued to review the judgment and opinion of the Commonwealth of Massachusetts, Supreme Judicial Court for Suffolk County entered in the above cause on December 6, 2000.

OPINION BELOW

The judgment of the Commonwealth of Massachusetts, Supreme Judicial Court for Suffolk County is attached as Appendix A.

JURISDICTION

The jurisdiction of this Court is invoked pursuant to Title 42, § 1983, for deprivation of the Petitioner's rights.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution Article XIV, § 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge

the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Massachusetts Constitution Article XI

Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Civil Action for Deprivation of Rights, Title 42, § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia. R.S. § 1979; pub. L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284.

CONCISE STATEMENT OF THE CASE

My situation results from a case in which the President of the State Senate was granting fraudulent licenses to practice medicine. I refused to look the other way when credentials were falsified as being issued from my institution. The Senator escaped prosecution in a deal with the Attorney General. However, he became the Chief Clerk of the State Judiciary, and continued to broker power and revenge.

A Grand Jury was convened on the matter of the fraudulent licenses and 35 indictments were issued. Nearly 27 years later, no action has been taken on these fundamental charges.

On the contrary, the Assistant Attorney General who cooperated in the manipulation was rewarded with a judgeship on the State's high court.

One of the fraudulent licenses was issued to a man who lived with and practiced Podiatric Medicine and Surgery with the State Chairman of the Board of Registration in Podiatry. Because, therefore, no action was taken by the regulating board or by the law enforcement agencies, I brought suit to cause the license to be revoked. Ultimately, a judge removed the license; but our Attorney General fought for several years to restore a fraudulent license to a previously convicted felon.

But the perversion of justice goes further.

I have learned that one cannot depend upon truth and innocence as a God-given protection.

To this day, I am being harassed and punished for taking a stand against the debased system.

Several false charges have been brought against me and manipulated to obfuscate the truth and compound the process and create a monumental mess of paperwork.

In the beginning, I had funds for legal fees; now I am penniless and pro se.

There have been death threats against one attorney on my case, bribe attempts to one investigator, physical attacks, and threats.

Justice Nolan, Associate Justice of the Supreme Judicial Court, has a motion still sitting in front of the Supreme Judicial Court concerning Enoch Woodhouse, Camoscio's former attorney who discharged himself from the case when Attorney General Francis X. Bellotti threatened him with assassination if he did not remove himself as Camoscio's attorney. Mr. Bellotti stated: "If you do not excuse yourself as Camoscio's attorney, what happened to Martin Luther King, Jr., will happen to you. If history is correct, Rev. King was assassinated." Yet, with this motion still pending, the Supreme Judicial Court went forward not allowing Camoscio legal counsel, breaking the law.

Then there is Judge Neil Lynch who up until recently has acted against Camoscio when he lied as Chief Counsel for Governor Edward King on the Camoscio matter. Please refer to his letter pertaining to Camoscio's matter to John George, the Podiatry Board's secretary, and his attorney's answer to his being summoned to be a witness of the adjudicatory hearings. If requested by this Court, this letter will be made available. Judge Neil Lynch was protecting Governor King's wife who was the daughter of John E. Power's out of wedlock, the same John E. Powers the former Senate President from Massachusetts who was caught issuing medical licenses to criminals for the sole purpose of selling drugs. Judge Neil Lynch is the Associate

Justice sitting in the Supreme Judicial Court of Massachusetts that has and continues at every turn to injure the Petitioner and has used his influence to bar the Petitioner access to all the Court systems in the Commonwealth of Massachusetts. The Petitioner has no access to any Court in Massachusetts.

Finally, after 14 years of avoiding to issue me proofs of malpractice, and patient complaints, under the Freedom of Information Act (5 U.S.C.A. § 552) the Supreme Judicial Court admitted that they never had in their possession any proofs of any of the charges that they had convicted the Petitioner of by upholding the Regulatory Board's decision. This information received under the Freedom of Information Act was issued to the Petitioner on June 9, 1995 by their attorney.

To date, the Petitioner continues to suffer and cannot return to work to support his family; the Petitioner has an ailing wife who is going blind.

The legal action against me began in an interlocutory hearing. Because these hearings are conducted by the Attorney General and because the prosecution is conducted by the Attorney General, it is no surprise that this abusive use of power resulted in a verdict against me. Note well that there were no patient complaints, there was a falsified letter of show cause, I had no opportunity to face my accusers, my witnesses were incorrectly categorized as character witnesses when they were actually eye witnesses, and the State's expert witnesses lied openly in matters of fact and as to their credentials. No cross-examination was allowed.

This flawed proceeding, however, has caused tremendous damage to me and all remedies are denied to me.

Under Massachusetts State Law there is no appeal from an interlocutory decision; only review by the Supreme Judicial Court. In a review they take no evidence and rely only on the case given them from the hearing officer.

Even when the hearing report was manipulated to delete all material and testimony that revealed the fraud, the Court could not take remedial action.

Four of the nine justices stepped down at this review (one of them being my patient), and the decision of the interlocutory board was upheld.

As a result, my license to practice has been revoked for life. This is cruel and unusual punishment even for a guilty practitioner.

My livelihood and my professional standing have been stripped away.

I have struggled all these years to fight these matters.

Yet I am a doctor and not a lawyer. My case is now infamous within the system.

The Judge who has originally rewarded for his protective role in diverting the Grand Jury indictments has imposed a gag order denying me all access to the courts. The original Senator and Chief Clerk has blocked every avenue within the bureaucracy. I have become open prey to predatory litigants.

I am a man alone. I cannot get a day in court. I cannot get redress.

A man without a court is a man without a country.

The Bill of Rights has no meaning for all if it has no meaning for one.

A higher authority with a higher moral fiber ought to intervene.

I have committed no crime; crime has been committed against me by the State. I have no immunity to hardship; immunity is granted even to those who admit their fraud.

I ask for your courtesy and the wisdom to examine my plight. Can the Supreme Court of the United States cause a day in court—an opportunity to rise above the abuse of power and arrogance of advantage.

A Federal Grand Jury or a Special Prosecutor need only see the proofs to restore justice.

ARGUMENT

Because the Petitioner was wrongly charged for a crime not committed is the Petitioner entitled to equitable relief under Title 42 U.S.C.A., § 1983 because the Petitioner was charged with patient complaints and malpractice that were fabricated against him by the State's Regulatory Board and their decision was upheld on review of the Massachusetts Supreme Judicial Court. Eleven years later the Massachusetts Supreme Judicial Court under the Freedom of Information Act (5 U.S.C.A., § 552) admitted that they sided with the State's Regulatory Board's decision when they had no proofs in their possession to find the Petitioner guilty.

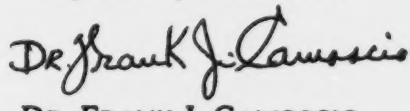
REASON FOR GRANTING THE WRIT

This case provides this Court with an opportunity to restore the Petitioner's right to equity under Title 42 U.S.C.A., § 1983.

CONCLUSION

This case presents an important constitutional issue of whether the Petitioner is entitled to equity as guaranteed by the Constitution, under Title 42 U.S.C.A., § 1983 because the Respondents have violated the Petitioner's civil rights.

Respectfully submitted,



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Dated: February 27, 2001

APPENDIX

App. 1

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-1996-0149

COMMONWEALTH OF MASSACHUSETTS,
BY AND THROUGH
ATTORNEY GENERAL THOMAS F. REILLY

v.

FRANK CAMOSCIO

JUDGMENT

The above-entitled case having remained upon the docket for more than six months without final disposition, and good cause not having been shown the Court in writing prior to November 30, 2000, it is hereby ORDERED that the following entry of judgment be, and the same hereby is made: "Case dismissed without prejudice."

App. 2

By the Court (Ireland, J.)

(Signed by Maura S. Doyle, Clerk)

Clerk

ENTERED: December 6, 2000